

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

WP(C).No. 20852 of 2006(G)

PETITIONER:

RAJENDRAN NAIR, ANANDA BHAVAN,
MARUTHAMONPALLY, POOYAPPALLY,
KOTTARAKKARA.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS:

1. M/S. SHRIRAM INVESTMENTS LIMITED
MOOKAMBIKA COMPLEX, III FLOOR, NO.4,
LADY DESIKACHERY ROAD, MYLAPORE
CHENNAI-600 004, REP. BY ITS AUTHORISED
REPRESENTATIVE MR.S. VARADHAN,
S/O. MR.P.M. SEETHAPATHY.
2. KERALA TRANSPORT DEVELOPMENT
FINANCE CORPORATION, SAPHALYAM,
PALAYAM, THIRUVANANTHAPURAM.
3. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.C.KAMAPPU
ADV. SRI.R.NARENDRAN NAIR
SRI.K.T.SHYAMKUMAR
SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 20852 of 2006(G)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE R.C.PARTICULARS OF PETITIONER'S VEHICLE
NO.KL-09/H 8827 ISSUED BY THE JOINT R.T.O, KOTTARAKARA.

EXT.P2: TRUE COPY OF THE LETTER DT.4.11.04 ISSUED BY THE 1ST
RESPONDENT TO THE PETITIONER.

EXT.P3: TRUE COPY OF THE NOTICE DATED 16.2.05 ISSUED BY THE
1ST RESPONDENT TO THE PETITIONER.

EXT.P4: TRUE COPY OF THE CRIMINAL COMPLAINT REGISTERED AS
C.C.NO.6590/04 IN THE COURT OF XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI FILED BY THE 1ST RESPONDENT ON APRIL,2004.

EXT.P5: TRUE COPY OF THE SUMMONS DT.8.4.06 IN C.C.6590/04 ISSUED
BY THE COURT OF XVIII METROPOLITAN MAGISTRATE, SAIDAPET,
CHENNAI TO THE PETITIONER.

/TRUE COPY/

P.A TO JUDGE

R.BASANT, J

W.P(C).No.20852 of 2006

Dated this the 29th day of March, 2007

JUDGMENT

The petitioner is aggrieved by the cognizance taken of the offence punishable under Section 138 of the N.I.Act by the XVIII Metropolitan Magistrate, Saidapet, Chennai on the complaint filed by the 1st respondent herein. The complaint was filed. Cognizance was taken and the case under Section 138 of the N.I Act was registered as C.C.No.6590 of 2004. The petitioner has come to this Court with a grievance that cognizance was wrongly taken by the said Court and that the said Court has no jurisdiction to deal with the matter. According to the petitioner, only the Courts in Kerala have jurisdiction to deal with the matter.

2. In the decision in **Meenakshi Sathish v. S.P.I** [2007(1) KLT 890], a Full Bench of this Court has clearly held that cognizance taken by a Court outside Kerala cannot be subject to judicial review under Section 488 Cr.P.C or under Article 226 or 227 of the Constitution by this Court. In the light of the said decision, this Writ Petition is only to be dismissed as not maintainable. No contentions are raised against the applicability of the dictum.

3. In the result, this Writ Petition is, dismissed. Needless to say that the dismissal of this Writ Petition will not in any way fetter the rights of the petitioner to seek appropriate relief from the High Court having jurisdiction over the court, which is taken cognizance.

(R.BASANT, JUDGE)

rtr/-